



~~January 20, 2004 CPC~~
March 16, 2004 CPC

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04SN0157

Douglas R. and Susan S. Sowers

**Matoaca Magisterial District
Grange Hall Elementary, Bailey Bridge Middle and
Manchester High School Attendance Zones
Northeast quadrant of Beach and Baldwin Creek Roads**

REQUESTS

- I: Rezoning from Agricultural (A) to Residential (R-12) of 75.8 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements.**
- II: Rezoning from Agricultural (A) to Convenience Business (C-1) of 5.0 acres.**

PROPOSED LAND USE:

A mixture of residential uses, to include single family, condominiums and cluster homes, along with supporting recreational uses is planned for the Residential (R-12) portion of the request site. The applicant has agreed to limit development to a density of between 2.0 and 2.2 dwelling units per acre, yielding approximately 163 dwelling units.

Commercial uses are proposed at the intersection of Beach and Baldwin Creek Roads.

RECOMMENDATION

REQUEST I:

Recommend approval of the rezoning to Residential (R-12) with Conditional Use Planned Development. Recommend that Textual Statement Item B.1.n. relative to relief to secondary access requirements in the proposed condominium portion of the development not be accepted. This recommendation is made for the following reasons:

- A. The proposed residential zoning and land use complies with the Upper Swift Creek Plan which suggests that the portion of the property which drains to the Swift Creek Reservoir is appropriate for residential the development of 2.0 units per acre or less and that the portion of the property which does not drain to the Reservoir is appropriate for residential development of 2.2 units per acre or less.
- B. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.
- C. The application fails to provide sufficient information to support relief to the provision of a second means of public access to the proposed condominium portion of the development.

REQUEST II:

Recommend denial of the rezoning to Convenience Business (C-1). Recommend that Proffered Condition 7 not be accepted. Recommend that Textual Statement Item A.3. relative to commercial access not be accepted. This recommendation is made for the following reason:

The proposed commercial rezoning and land use do not conform to the Upper Swift Creek Plan which suggests that commercial uses are appropriate when designed within planned residential neighborhoods to serve those neighborhoods only. As proposed, the commercial uses are not integrated within the proposed residential community nor designed to serve the immediate area's commercial needs.

- (NOTES: A. WITHIN THE RESIDENTIAL PORTION OF THIS REQUEST, CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE ONLY CONDITION THAT

MAY BE IMPOSED UPON THE COMMERCIAL PORTION OF THIS REQUEST IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.

- B. IT SHOULD BE NOTED THAT THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

CONDITIONS

1. The Textual Statement, dated December 30, 2003, shall be considered the master plan, except for Items A.3. and B.1.n. (P)
2. In conjunction with the initial tentative subdivision plan review, an overall plat shall be submitted for the residential portion of this request depicting the acreages for that property which does and does not drain to the Swift Creek Reservoir for the purpose of confirming overall project densities. (P)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax IDs 709-662-5658-00000 and 707-660-8583-00000 (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-12 and C-1 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

The following proffers apply to the entire property:

1. (a) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.

- (b) Drainage. In order to ensure that the drainage on the property is adequately handled, the Applicant proffers to: (i) replace all culvert pipes under Beach Road and/or Baldwin Creek Road to ensure adequate size to handle the ultimate upstream drainage area, or (ii) retain water onsite so that the existing pipes remain adequate, or (iii) a combination of (i) and (ii) above. (EE)

2. Utilities.

- (a) Public water shall be used.
- (b) Public wastewater gravity sewer shall be used.
- (c) Prior to the issuance of the first building permit for each tentative subdivision plat or prior to the issuance of a building permit for each site plan approved for the Property, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre for that particular plat or plan as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. The total contribution shall be based on the total acreage served by the public wastewater system. (U)

3. Transportation.

- (a) In conjunction with recordation of the initial subdivision plat, or prior to any site plan approval, whichever occurs first, forty-five (45) feet of right-of-way along the north side of Beach Road (State Route No. 655), measured from the centerline of that part of Beach Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- (b) A revised centerline for the realignment of Baldwin Creek Road at its intersection with Beach Road shall be submitted to and approved by this Transportation Department. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the north side of Baldwin Creek Road (State Route No. 730), measured from the approved revised centerline of that part of Baldwin Road immediately adjacent to the entire property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- (c) Direct access from the property to Baldwin Creek Road shall be limited to one (1) entrance/exit, located at the northern property line. This access shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department.

- (d) Direct access from the property to Beach Road shall be limited to no more than three (3) public roads. The westernmost access to Beach Road shall be located approximately 750 feet from the approved revised alignment of the Baldwin Creek Road intersection as described in Proffered Condition 3(b). The exact location of these accesses shall be approved by the Transportation Department.
- (e) To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - (i) Construction of additional pavement along Beach Road at each approved access to provided left and right turn lanes, if warranted, based on Transportation Department standards.
 - (ii) Construction of a raised median within Baldwin Creek Road, including additional pavement along Baldwin Creek Road to provided an adequate typical section to accommodate the raised median, from Beach Road to approximately 200 feet north of the approved right-in and right-out access. The exact length of this improvement shall be approved by the Transportation Department.
 - (iii) Widening/improving the north side of Beach Road and the east side of Baldwin Creek Road to an eleven (11) foot wide travel lane, measured from the centerline of the roads, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.
 - (iv) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the right of way necessary for the road improvements as described above, the Developer may request in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right of way and shall be required only to provided the road improvements that can be accommodated within available rights of way as determined by the Transportation Department.
- (f) Prior to any construction plan or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in

Proffered Condition 3(e), shall be submitted to and approved by the Transportation Department. (T)

The following proffers apply to the Residential (R-12) Property:

4. Age Restriction. Lots for Age-Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site plan, the lots shall be noted age-restricted. Any Site Plan for Age Restricted Dwelling Units shall also note the restriction. (P)
5. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:
 - (a) The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - (b) Provided, however, that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors, but not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the \$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks and recreation, \$324 for library facilities, \$3,547 for roads, and \$346 for fire stations. Payments in excess of \$4,815 shall be prorated as set forth above.
 - (c) If any of Cash proffers are not expended for the purpose designated by the Capital Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)

6. Density.

- (a) The total number of residential units on that portion of the property requested to be rezoned R-12 which drains to the Swift Creek Reservoir shall not exceed two (2) units per acre. (Note: The Applicant has determined that 17 acres, more or less, of said request parcel does drain to the reservoir).
- (b) The total number of residential units on that portion of the property requested to be rezoned R-12 which does not drain to Swift Creek Reservoir shall not exceed 2.2 single family residential units per acre. (Note: The Applicant has determined that 58.684 Acres, more or less, does not drain to the reservoir) (P)

The following proffer applies to the Convenience Business (C-1)Property:

- 7. Development within Convenience Business (C-1) District shall not exceed 15,000 gross square feet. (P)

GENERAL INFORMATION

Location:

Northeast quadrant of the intersection of Baldwin Creek and Beach Roads. Tax IDs 707-660-8583 and 709-662-5658 (Sheet 23).

Existing Zoning:

A

Size:

80.8 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, South and West - A; Single family residential or vacant
East – R-12 with Conditional Use Planned Development and A; Vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along a portion of Otterdale Road and terminating adjacent to Hampton Glenn Lane, in Hampton Park Subdivision, approximately 7,300 feet northeast of this site. This site is adjacent to the western boundary of the property recently rezoned under case 02SN0209 (Southern Land Company, L.L.C.). Southern Land Company has proffered to incorporate into their on-site water distribution system a water line along the proposed east/west collector road to extend between the easternmost and westernmost boundaries of their development. The applicant is advised to work with the developer of the Southern Land Company site to insure adequate water line size and placement to serve the request site.

Use of the public water system is intended and has been proffered by the applicant. (Proffered Condition 2.a.)

Public Wastewater System:

There is an existing twelve (12) inch wastewater trunk line extending along the western branch of Dry Creek that terminates adjacent to Hampton Valley Drive, in Hampton Park Subdivision, approximately 2,400 feet northeast of this site. Due to topography, portions of the request site may not be served by the public wastewater gravity system. The applicant has proffered that a public wastewater gravity sewer shall be used (Proffered Condition 2.b.). The applicant is advised to work with the developer of the adjacent Southern Land Company site to insure that reasonable depth, size and placement of the off-site wastewater lines is designed to provide gravity wastewater service to the maximum portion of the request site.

Proffered Condition 2.b. would allow consideration for the possibility of a private wastewater pump station to be constructed for a commercial site in that area that cannot be served by a gravity wastewater line, provided that the Utilities Department approves such a request. Evaluation of a request for a private wastewater pump station will not occur until more specific details are available for review. The Utilities Department interprets Proffered Condition 2.b. as allowing the County the ability to accept other private methods to access the gravity wastewater system. However, a publicly maintained wastewater pump station will not be considered.

The applicant has proffered to pay the County \$200.00 per acre (based on total acreage served by the public wastewater system) as a contribution towards expansion of the Dry Creek Wastewater Pump Station. Payments will be made over time as the property develops, with payment for each section or site to be made prior to issuance of the first building permit for that section or site. (Proffered Condition 2.c.)

ENVIRONMENTAL

Drainage and Erosion:

The property drains in two (2) directions. A large portion drains south under Beach Road and then via tributaries to Winterpock Creek. The northern portion drains north via tributaries to Dry Creek and then via Dry Creek to Swift Creek Reservoir. The property is wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 1.a.). This will insure that adequate erosion control measures are in place prior to any land disturbance.

Currently, the culverts under Beach Road are inadequate to meet VDOT criteria. To ensure that the pipes under Beach and/or Baldwin Creek Roads are adequate to receive drainage from this project, the developer has proffered to replace all pipes of an adequate size to handle the ultimate upstream drainage area or to retain water onsite so that the existing pipes remain adequate, or a combination of these two (2) methods. (Proffered Condition 1.b.)

Water Quality:

That portion of the property draining to Dry Creek must participate in the Upper Swift Creek Regional Best Management Practice (BMP) Plan.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that Emergency Services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 163 dwelling units, this request will generate approximately twenty-five (25) calls for fire and rescue services each year. The applicant has addressed the impact on fire and emergency medical services. (Proffered Condition 5)

The Winterpock Fire/Rescue Station, Company Number 19, currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

The Zoning Ordinance requires the construction of a second public access prior to the occupancy of more than fifty (50) multifamily units. This application proposes provision

of a restricted second access for any condominium development (Textual Statement B.1.n.). The application fails to provide any documentation that indicates a second means of public access to the property is not possible. Without demonstration of severe physical constraints or extenuating circumstances, the fire department opposes the use of emergency access.

Schools:

Approximately eighty-eight (88) students will be generated by this development.

Currently this site lies in the Grange Hall Elementary School attendance zone: capacity - 828, enrollment - 613; Bailey Bridge Middle School zone: capacity - 1,621, enrollment - 1,618; and Manchester High School zone: capacity - 1,962, enrollment - 2,413.

This request will have an impact on the high school involved. It will also have an impact on the middle school because Bailey Bridge is close to capacity. There are currently twenty (20) trailers at Bailey Bridge Middle and seventeen (17) trailers at Manchester High.

One (1) new high school is proposed that will provide relief for Clover Hill High and Manchester High Schools.

This development will have impact on area schools. The applicant has agreed to participate in the cost of providing for area school needs. (Proffered Condition 5)

Libraries:

Consistent with Board of Supervisors policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identified a need for additional library space throughout the County. Even if the facility improvements that have been made since the Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development of this property would most likely impact the Clover Hill Library or a proposed new library in the west Beach Road area. The Public Facilities Plan identifies a need for additional library space in this area of the County. The applicant has addressed the impact of this proposed development on library facilities. (Proffered Condition 5)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Plan identifies a need for 625 acres of regional park space and 116 acres of community park

space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities. (Proffered Condition 5)

Transportation:

The property (80.8 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-12) on 75.8 acres and Convenience Business (C-1) on 5.0 acres. The applicant has proffered a maximum density of: 1) 2.0 or 2.2 units per acre dependent on how the R-12 property drains to Swift Creek Reservoir, which could result in approximately 163 units; and 2) development not to exceed 15,000 square feet on the C-1 property (Proffered Conditions 6 and 7). This request will not limit the development of the C-1 property to a specific use; therefore, it is difficult to anticipate traffic generation. Based on trip rates for single family and convenience markets with gas pumps, development could generate approximately 5,900 average daily trips. These vehicles will be distributed along Beach Road which had a 2003 traffic count of 985 vehicles per day, and Baldwin Creek Road which had a 2003 traffic count of 951 vehicles per day.

The Thoroughfare Plan identifies Beach Road and Baldwin Creek Road as major arterials with recommended right of way widths of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of those roads, in accordance with that Plan (Proffered Conditions 3.a. and b.). Baldwin Creek Road intersects Beach Road at a skewed angle. Proffered Condition 3.b. would require the dedication of right of way along Baldwin Creek Road based on a revised centerline for that roadway.

Access to major arterials, such as Baldwin Creek and Beach Roads, should be controlled. The proposed C-1 property is located in the northeast corner of the Beach Road/Baldwin Creek Road intersection. As traffic volumes increase, Beach and Baldwin Creek Roads may each need to be improved to four (4) lane divided facilities. Because of the proximity of the C-1 property to the Beach Road/Baldwin Creek Road intersection, access to these roadways should be at potential crossover locations when the roads are widened, or be limited to right-turns-in and right-turns-out only. Access to the C-1 property along Baldwin Creek Road should be limited to right-turns-in and right-turns-out only, due to the site's limited frontage (approximately 530 feet). The applicant has proffered that direct access from the property to Baldwin Creek Road will be limited to one (1) entrance/exit, limited to right-turns-in and right-turns-out only (Proffered Condition 3.c.). The applicant has also proffered that direct access from the property to Beach Road will be limited to three (3) public roads (Proffered Condition 3.c.). The proffer requires the westernmost access to Beach Road to be located at a potential crossover location (i.e., approximately 750 feet from a realigned Beach Road/Baldwin Creek Road intersection).

The applicant intends to use this westernmost Beach Road access to serve both the C-1 and R-12 properties.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct left and right turn lanes along Beach and Baldwin Creek Roads at each approved access, based on Transportation Department standards; 2) construct a raised median within Baldwin Creek Road from Beach Road to approximately 200 feet north of the approved right-in and right-out access; and 3) widen both the north side of Beach Road and the east side of Baldwin Creek Road to a total travel way width of eleven (11) feet measured from the centerline with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder for the entire property frontage. (Proffered Condition 3.e.)

Constructing these road improvements along Baldwin Creek Road and Beach Road may require the developer to acquire some "off-site" right of way. According to Proffered Condition 3.e., if the developer is unable to acquire the off-site right of way, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way and will only be obligated to construct road improvements within available right of way.

The Thoroughfare Plan identifies the need to improve existing roads, as well as construct new roads to accommodate growth. Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Baldwin Creek Road and Beach Road will be directly impacted by this development. Sections of Beach Road have eighteen (18) foot wide pavement with no shoulders. The capacity of this road is acceptable (Level of Service B) for the volume of traffic it currently carries. Sections of Baldwin Creek Road have twenty (20) foot wide pavement with no shoulders. The capacity of this road is acceptable (Level of Service B) for the volume of traffic it currently carries. The standard typical section for these roadways should be twenty-four (24) foot wide pavement with minimum eight (8) foot wide shoulders.

The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the proposed R-12 development (Proffered Condition 11). Additional funds will be necessary to improve area roads that are inadequate. No road improvement projects in this part of the County are included in the Secondary Road Six-Year Improvement Plan.

At time of tentative subdivision review, specific recommendations will be provided regarding access and the internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	163*	1.00
Population Increase	443.36	2.72
Number of New Students		
Elementary	39.12	0.24
Middle	21.19	0.13
High	27.71	0.17
TOTAL	88.02	0.54
Net Cost for Schools	790,061	4,847
Net Cost for Parks	112,959	693
Net Cost for Libraries	61,125	375
Net Cost for Fire Stations	65,363	401
Average Net Cost for Roads	669,767	4,109
TOTAL NET COST	1,699,275	10,425

*Based on proffered condition (Proffered Condition 6). The actual number of units developed and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has been further advised that a maximum proffer of \$4,815 per unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the proposed development, as it will not have an increased impact on school facilities. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 5)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests that property which drains to the Swift Creek Reservoir is appropriate for residential development of 2.0 units per acre or less and that property which does not drain to the Reservoir is appropriate for residential development of 2.2 units per acre or less.

The Plan also suggests that various types of housing, to include condominiums and clustered attached or detached single family dwellings may also be appropriate if included within a large coordinated planned development. Further, convenience commercial nodes may also be appropriate within such coordinated development subject to adequate access and design that incorporates an internal focus with open spaces and pedestrian connections.

Area Development Trends:

Surrounding properties are zoned Agricultural (A) and are occupied by single family dwellings or are vacant. It is anticipated that residential development at densities of 2.0 to 2.2 units per acre or less will continue north of Beach Road and east of Baldwin Creek Road, consistent with the suggestions of the Upper Swift Creek Plan, while properties south of Beach Road and west of Baldwin Creek Road will be limited to primarily agricultural and forestal uses and residential development on parcels five (5) acres or larger in size until public water and sewer, road improvements and other public facilities are in place, consistent with the suggestions of the Southern and Western Area Plan.

Convenience Business (C-1) Tract

Development Standards:

The five (5) acre tract proposed for C-1 development lies within an Emerging Growth Area. Development must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, pedestrian access and screening of dumpsters and loading areas.

Density:

Within the Convenience Business (C-1) District, the Ordinance limits individual projects to a maximum of 5,000 square feet of gross floor area per acre. Proffered conditions restrict development to a maximum of 15,000 gross square feet on this five (5) acre site. (Proffered Condition 7)

Buffers:

Adjacent property to the north is zoned Agricultural (A) and is currently vacant. The Ordinance requires a minimum forty (40) foot buffer along the northern property boundary of the request site. Adjacent property to the east is proposed for Residential (R-12) zoning as part of this current request. The Ordinance requires a minimum forty (40) foot buffer along the eastern boundary, which may be provided within the boundaries of either the C-1 or R-12 properties, or a combination thereof. At the time of site plan review, the Planning Commission may modify these buffers under certain circumstances.

Commercial Access Through R-12:

Currently, the Ordinance precludes the use of residentially-zoned property for the purpose of accessing property located in a commercially-zoned district, except for public roads. An exception is requested to permit access from Beach Road through the proposed R-12 property to serve this C-1 tract. Such commercial access would be designed so as not to adversely impact residential uses. A plan depicting the mitigation of this impact would be approved by the Planning Department prior to any site or subdivision plan approval. (Textual Statement Item A.3.)

Residential (R-12) Tract

Site Design:

The 75.8 acre tract proposed for R-12 zoning may be developed for condominiums, cluster homes and/or single family residential uses, all of which are discussed in further detail herein. If the property is developed for two (2) or more dwelling types, the Textual Statement requires submission of a conceptual plan to either the Planning Commission or Planning Department for approval. At the time of review of a conceptual plan, conditions may be imposed to insure land use compatibility and transition. (Textual Statement Item A.1.)

Density:

A maximum of 2.0 dwelling units per acre has been proffered for that portion of the property which drains to the Swift Creek Reservoir. The applicant estimates this acreage to be approximately seventeen (17) acres (Proffered Condition 6.a.). Further, a maximum of 2.2 dwelling units has been proffered for that portion of the property which does not drain to the Swift Creek Reservoir. The applicant estimates this acreage to be approximately 58.684 acres (Proffered Condition 6.b.). This would yield an overall maximum project density of 163 dwelling units. In conjunction with the initial tentative subdivision plan review, an overall

plat depicting these exact acreages shall be submitted to the Planning Department for review and approval. (Condition 2)

Dwelling Types:

As previously noted, several dwelling types are proposed. Where common areas are to be provided within the development, the Textual Statement requires that the ownership and maintenance responsibilities be established. (Textual Statement Item A.2.)

Condominiums:

For any condominium development, density would be limited to six (6) units per acre and would be regulated by the Virginia Condominium Act. (Textual Statement Item B.1.b) and c))

Other restrictions address units per building, building height, architectural treatment and setbacks as well as provisions for sidewalks, buffers, recreational facilities, focal point, street trees, landscaping and garage orientation. (Textual Statement Item B.1.)

The requirements offered for condominium projects are consistent with those typically required by the Commission and Board on similar projects recently approved.

Cluster Homes:

Cluster homes are proposed to be developed on individual lots having a minimum of 6,000 square feet. The density for any cluster development would be limited to six (6) units per acre. Other restrictions include architectural treatment, setbacks, provision of sidewalks, buffers, recreational facilities, provision of a focal point, landscaping, street trees, paved driveways and garage orientation. (Textual Statement Item B.2.)

The requirements offered for cluster projects are consistent with those typically required by the Commission and Board on similar projects recently approved.

Single Family Residential:

Single family residential uses would be required to be developed in accordance with Ordinance requirements for Residential (R-12) Districts. The minimum lot size would be 12,000 square feet. (Textual Statement Item B.3.)

Any dwelling units, other than condominiums and cluster homes, would be required to have minimum gross floor areas of 1,700 square feet for one (1) story and 2,000 square feet for more than one (1) story. (Textual Statement Item B.3.a.)

The Textual Statement would require the recordation of restrictive covenants for any residential development, other than cluster and condominium uses. It should be noted that the County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed. (Textual Statement Item B.3.b.)

Recreation Areas and Open Space:

The applicant has agreed to provide a minimum of 1.5 acres of open space within or conveniently accessible to each condominium development. Within each of the condominium and cluster home developments, a minimum of .75 acres of open space will be located and positioned to provide a "focal point" as one (1) enters these projects. Benches and other amenities are to be provided in a portion of this area to facilitate outdoor gatherings. (Textual Statement Item B.1.o. and B.2.j.)

The applicant may also provide active and passive recreation areas within the development. The Textual Statement provides for setbacks, buffers and other restrictions to minimize the impact of such recreational uses on surrounding residential uses. (Textual Statement Item B.3.b.)

Within the cluster home developments, where lots areas are reduced below the minimum 12,000 square feet, the Ordinance will require that comparable amount of square footage be placed in open space. The Ordinance defines open space as any area "not occupied by a building, structure, drive or parking area". The Subdivision Ordinance will require creation of a Homeowners' Association to maintain any common open space.

Within any condominium development, children's play facilities such as playground equipment or other facilities primarily associated with children's play would be prohibited. (Textual Statement Item B.1.p.)

Age Restriction:

Should any housing units be designed for occupancy by seniors, proffered conditions require that such units be grouped together and identified on site and subdivision plans in an effort to accurately track the impacts on capital facilities. (Proffered Condition 4)

CONCLUSIONS

The proposed residential zoning and land use complies with the Upper Swift Creek Plan which suggests that property which drains to the Swift Creek Reservoir is appropriate for residential development of 2.0 units per acre or less and that property which does not drain to the Reservoir is appropriate for residential development of 2.2 units per acre or less.

The application fails to provide sufficient information to support relief to the provision of a second means of public access to the proposed condominium portion of the development.

Given these considerations, staff recommends approval of the residential rezoning and conditional use planned development portion of this request and that Textual Statement Item B.1.n. regarding an exception to a secondary access for condominium development not be accepted.

The proposed commercial rezoning and land use do not conform to the Upper Swift Creek Plan which suggests that commercial uses are appropriate when designed within planned residential neighborhoods to serve those neighborhoods only. As proposed, the commercial uses are not integrated within the proposed residential community nor designed to serve the immediate area's commercial needs.

Given these considerations, staff recommends denial of the commercial rezoning and that Proffered Condition 7 addressing commercial densities and Textual Statement Item A.3. addressing commercial access not be accepted.

CASE HISTORY

Applicants (1/20/04):

Revised Proffered Condition 5 was submitted clarifying how the cash proffer would be allocated among the various public facilities.

Planning Commission Meeting (1/20/04):

At the request of the applicants, the Commission deferred this case to their March 16, 2004, public hearing.

Staff (1/21/04):

The applicants were advised in writing that any significant new or revised information should be submitted no later than January 26, 2004, for consideration at the

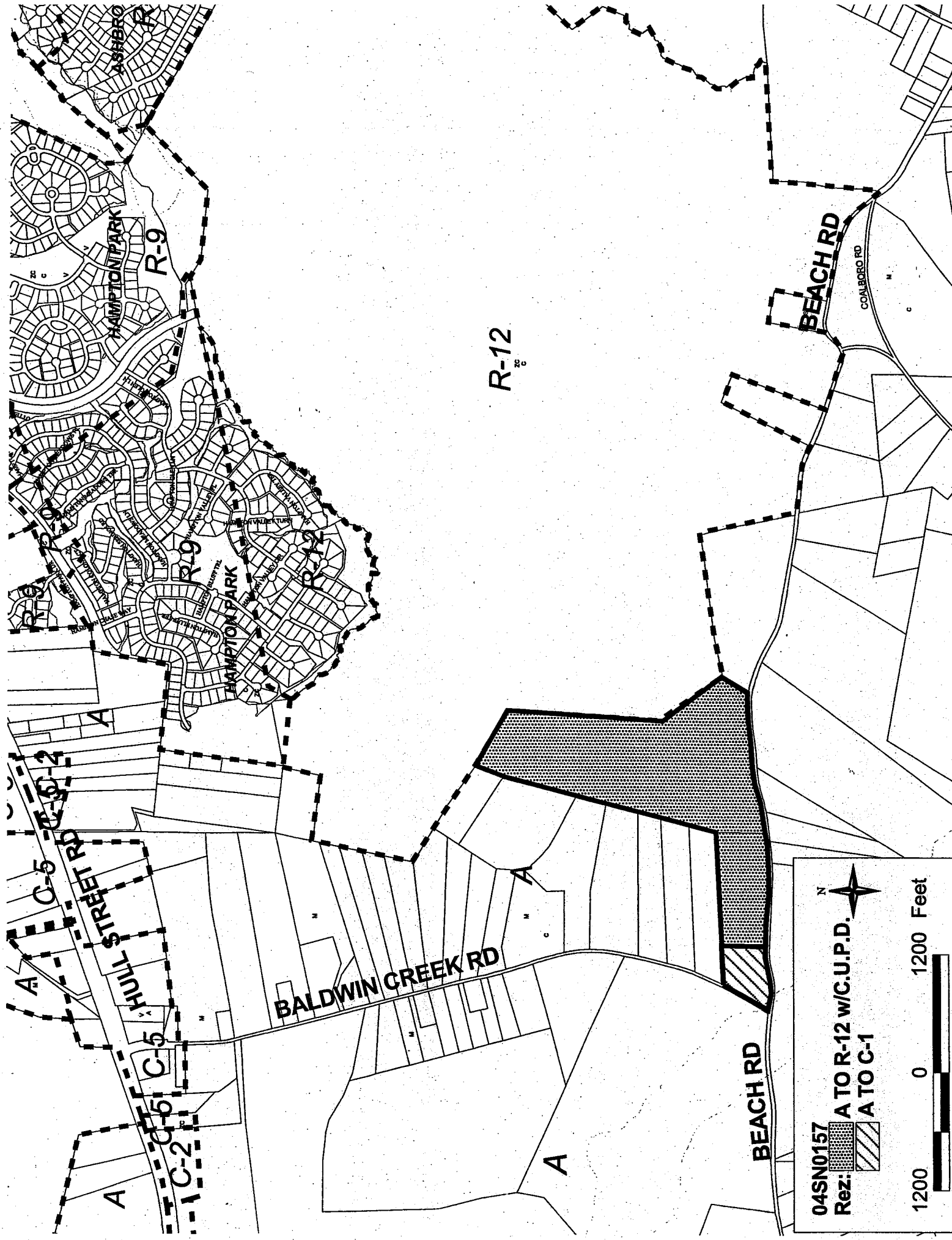
Commission's March public hearing. Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicants (1/30/04):

The deferral fee was paid.

Staff (2/23/04):

To date, no new information has been submitted.



04SN0157

Rez: A TO R-12 w/C.U.P.D.

A TO C-1



1200 0 1200 Feet



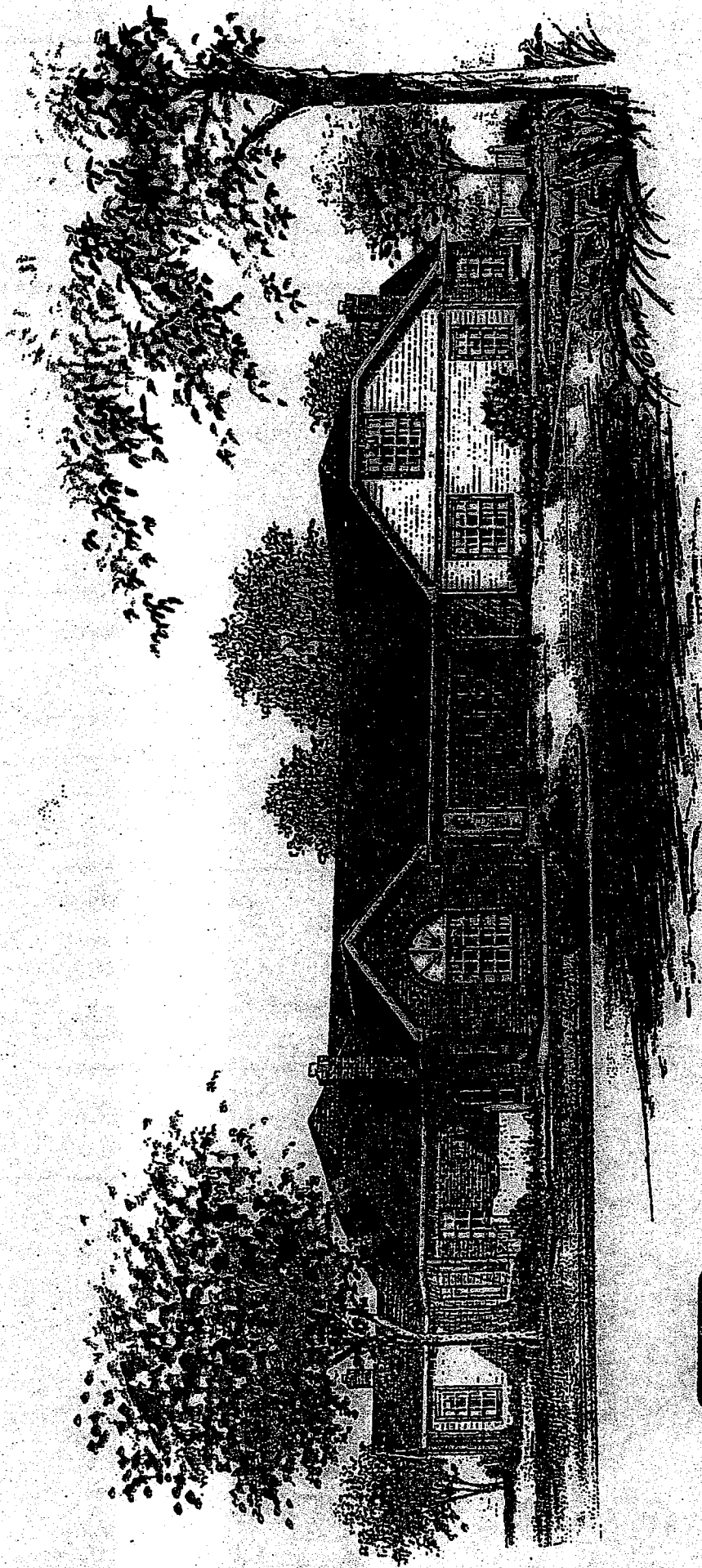
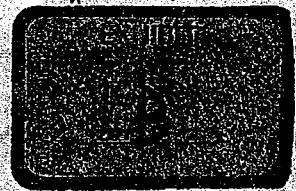


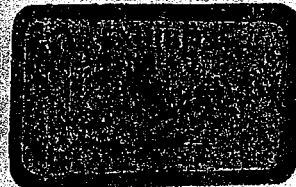
EXHIBIT "B"



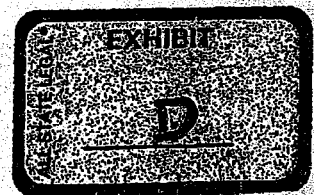
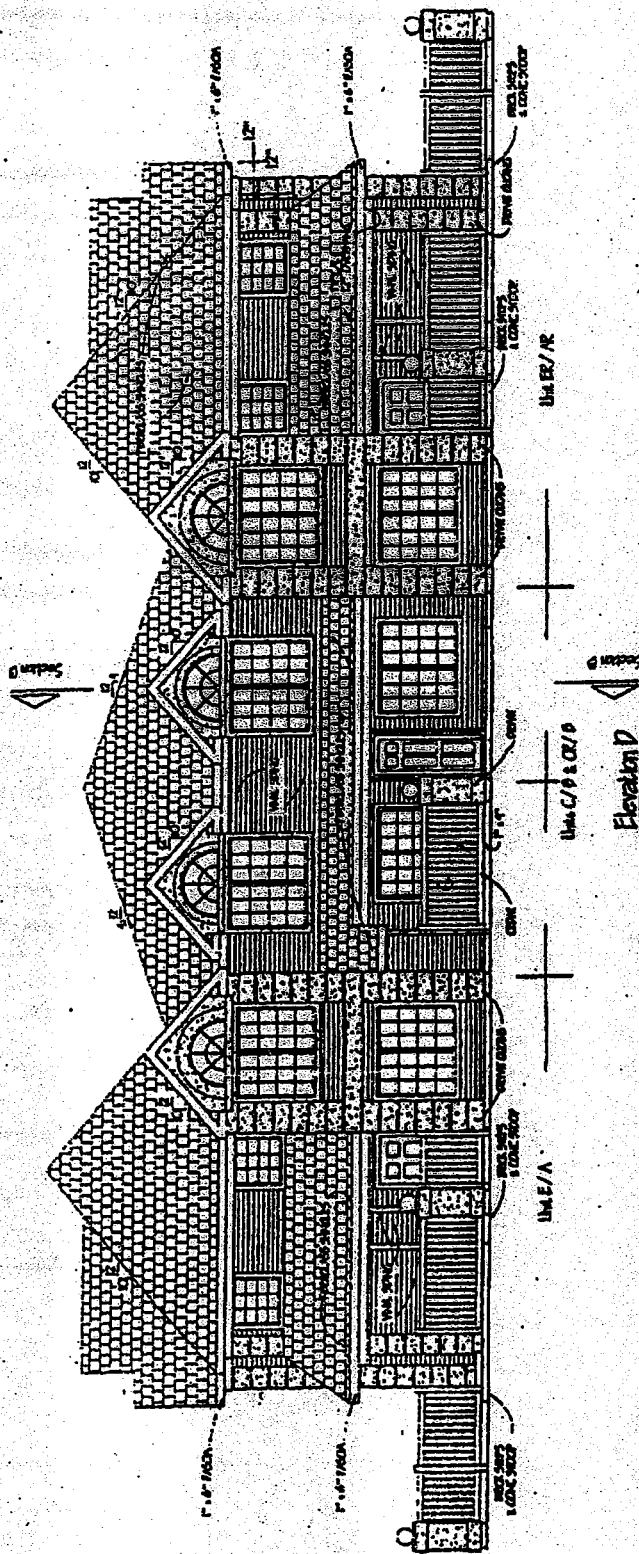
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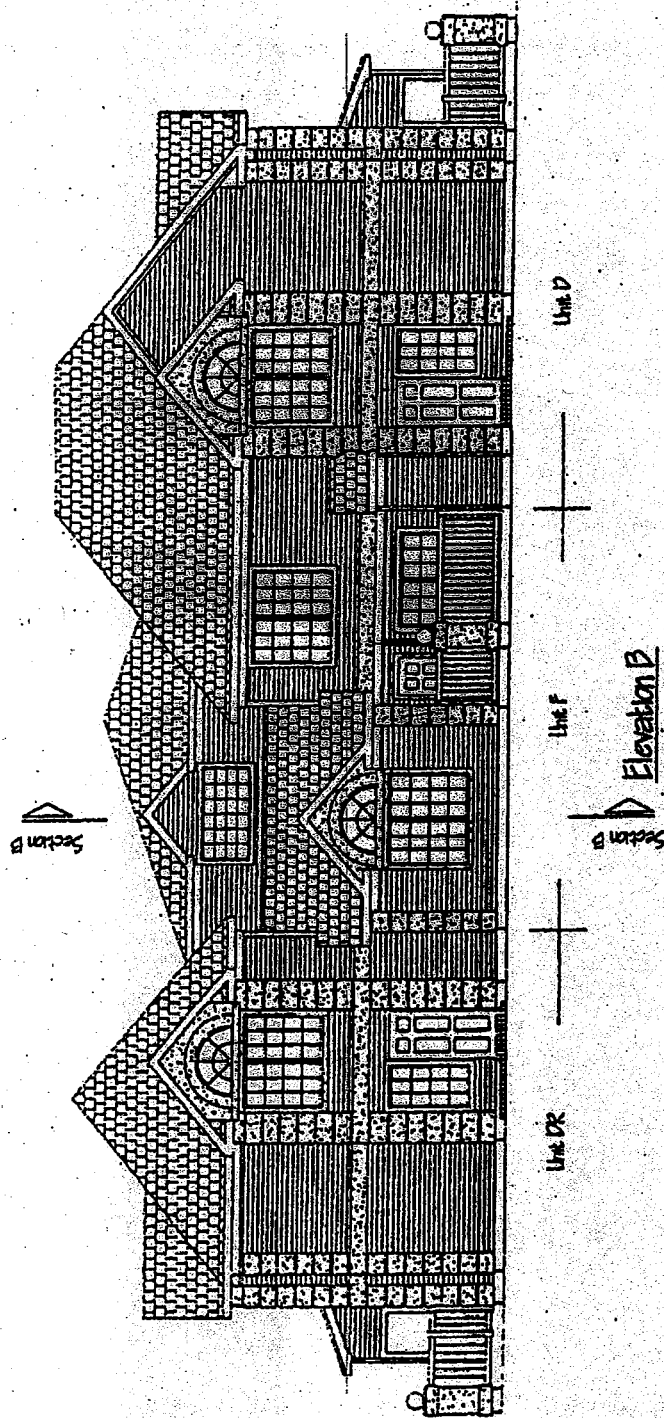


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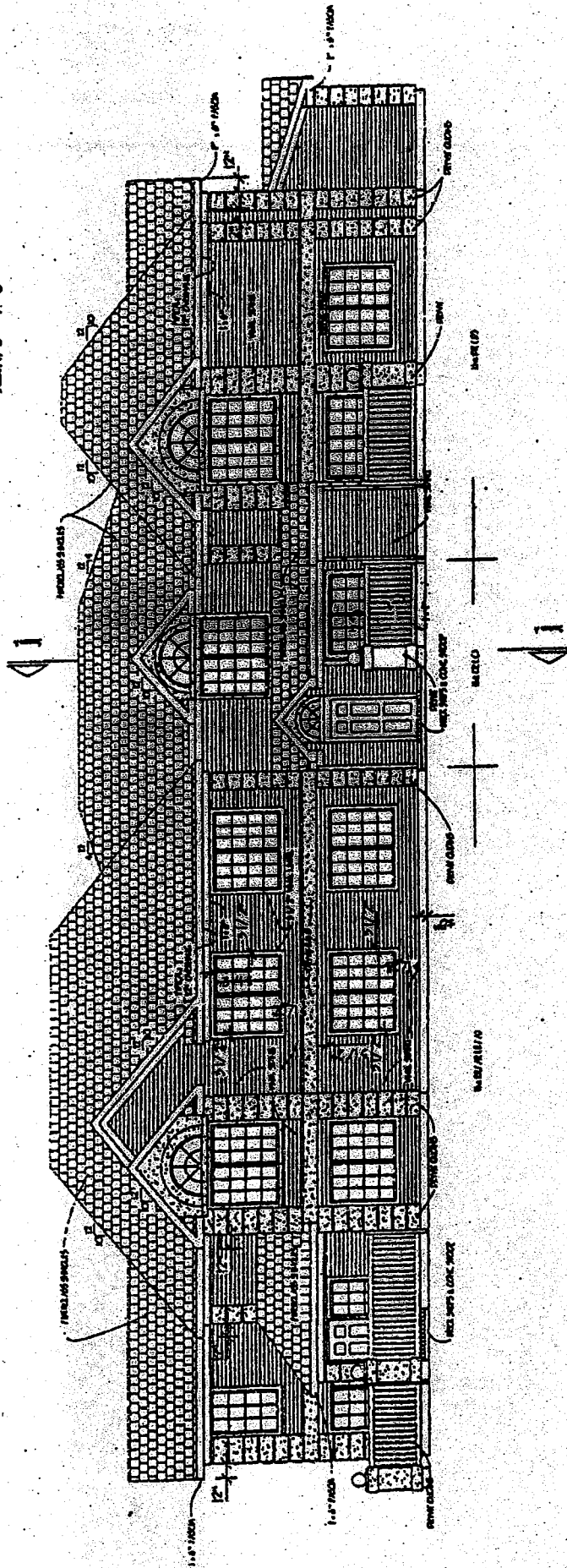
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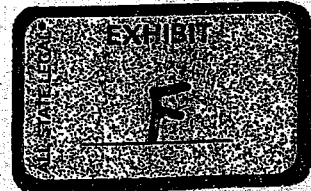


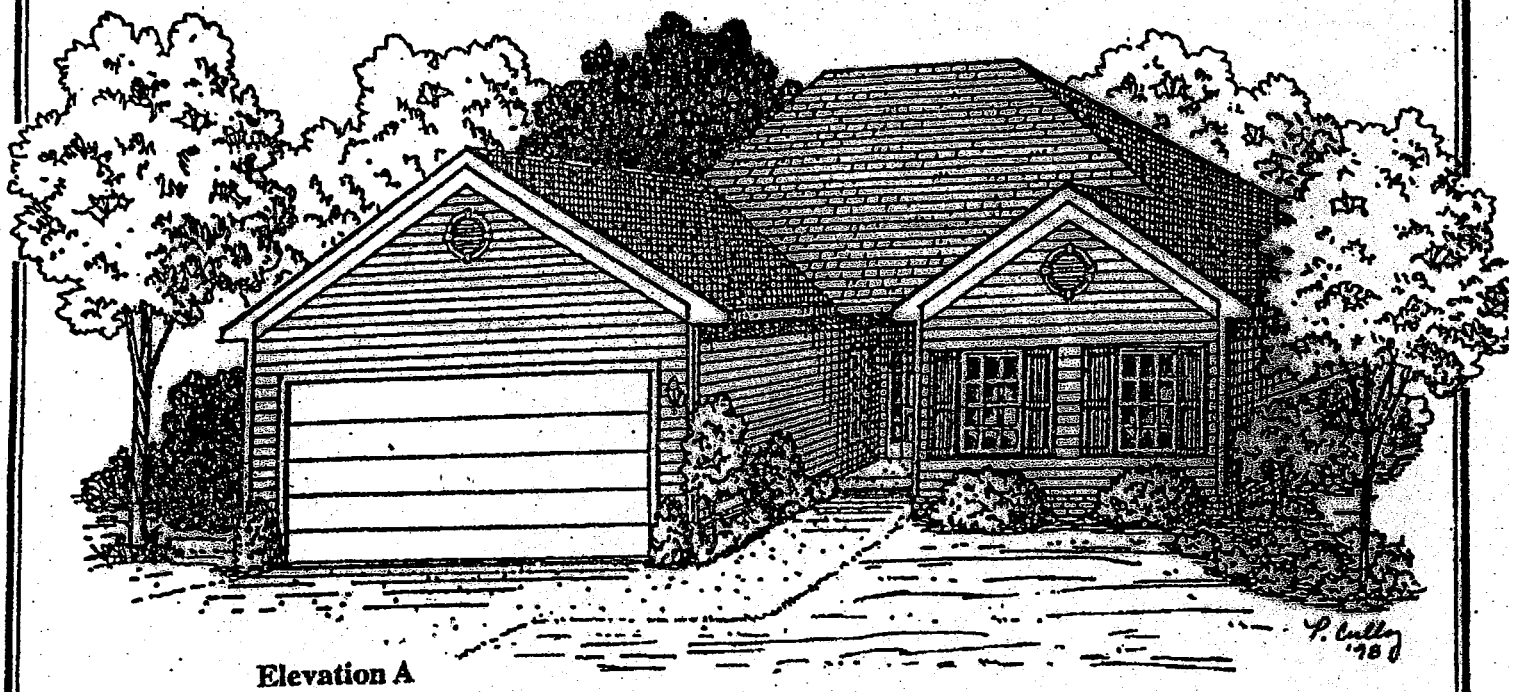
Elev. A

Roof Plan
Scale 1/8" = 1'-0"



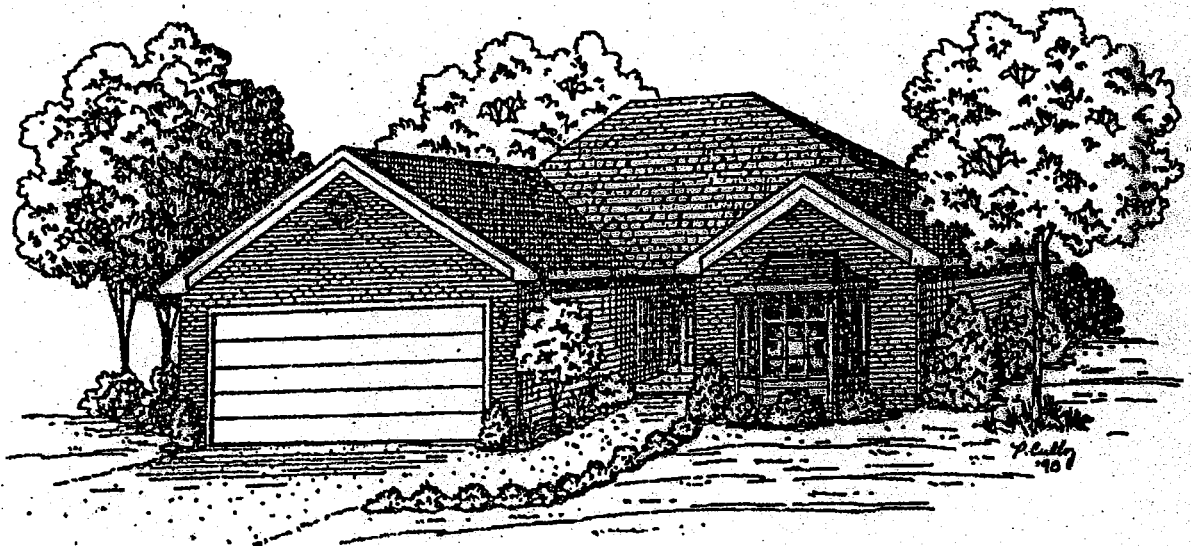
Elevation A





Elevation A

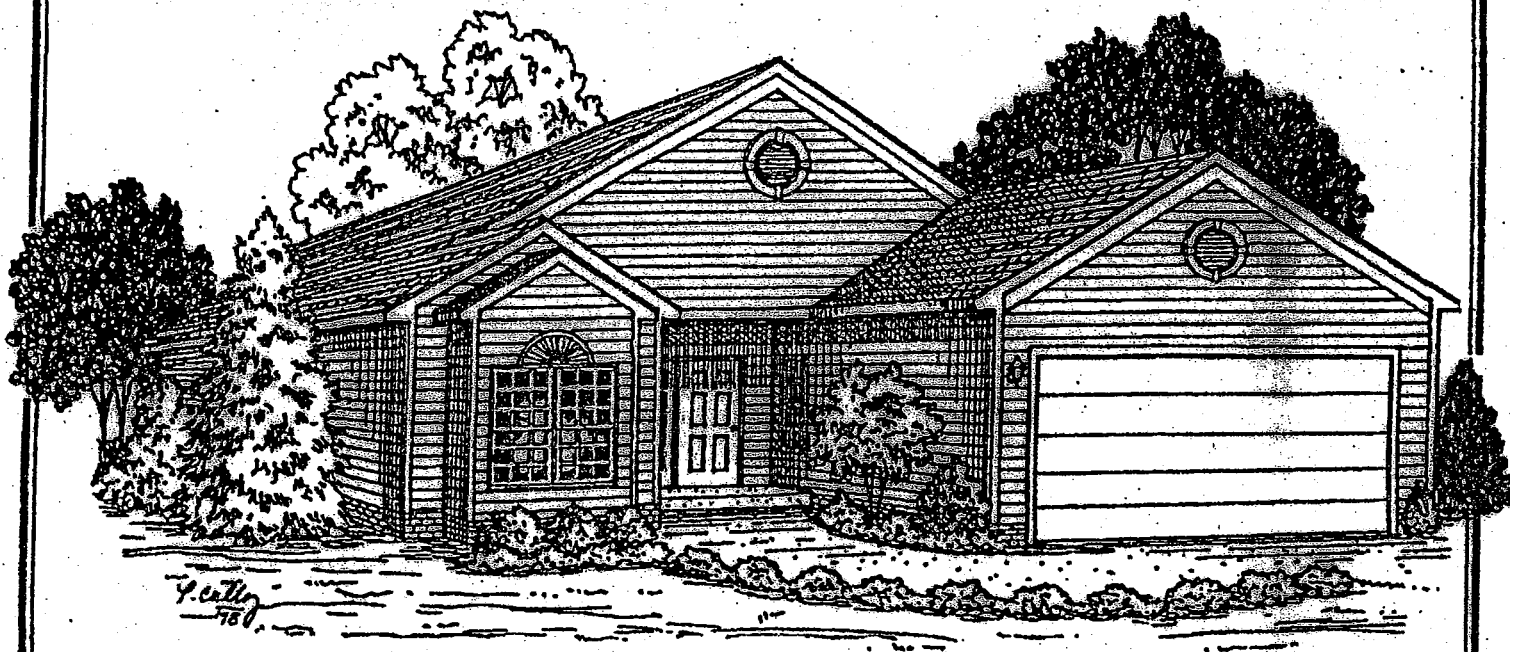
The Cary



Elevation B

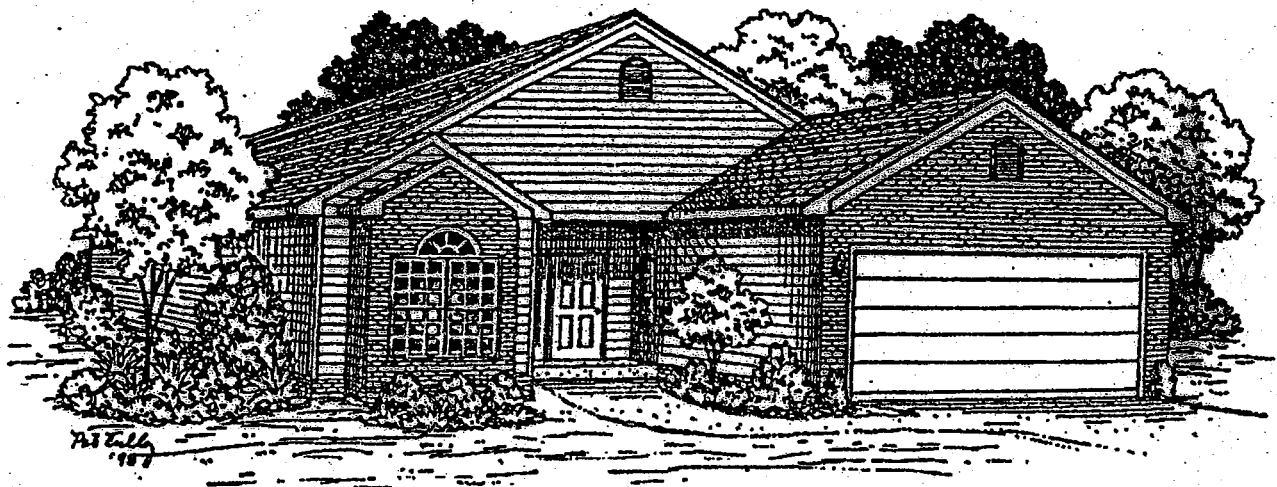


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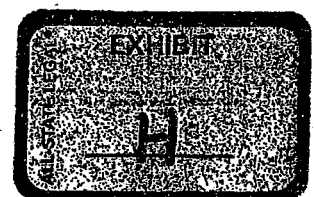


Elevation A

The Monument



Elevation B



04SNO157-7